

REMARKS

Claims 1, 3, 5, 9-11, and 13-30 are in this application and are presented for consideration. Claims 1 and 5 have been amended.

Applicant thanks the Examiner for removing some of the previous rejections and for withdrawing the restriction requirement. Applicant acknowledges the Examiner's indication of allowable subject matter, and thanks the Examiner for indicating allowable subject matter.

Independent claim 1 has been amended to include the features of claim 4. The Office Action has indicated that the features of claim 4 define over the prior art. It is Applicant's position that independent claim 1 and its dependent claims are now allowable.

Claim 18 has been rejected as being anticipated by Avakian '032.

Claim 18 sets forth a sampling tip formed of a porous and incompressible material where the material collects the sample liquid by capillary action. Applicant finds no teaching nor suggestion of a material collecting liquid through capillary action in Avakian. The rejection appears to equate elements 20 and/or 24 of Avakian with the sample tip of claim 18. However applicant finds no indication that either of these elements collect any liquid by capillary action. The rejection states that Avakian teaches that element 24 is porous and absorbent in column 2 lines 24-29. Applicant has reviewed this portion of Avakian, and finds no teaching of an absorbent material. Applicant does find Avakian to describe a porous material, but no indication of an absorbent material. Therefore claim 18 cannot be anticipated by Avakian.

Claim 10 has been rejected as being anticipated by Rabenecker '894.

Claim 10 sets forth that the sampling tip includes an indicator zone with a moisture

indicator indicating a collecting of a predetermined volume of the sample liquid. Applicant has reviewed Rabenecker, and finds no teaching nor suggestion of a moisture indicator. The rejection appears to indicate that Rabenecker discloses a moisture indicator in column 2 lines 35-36. Applicant has reviewed this portion, and notes that this portion indicates that a liquid is absorbed by the plug and thus it moistens the plug. However applicant finds no indication that the plug provides an indication that a predetermined volume of a sample liquid is indicated. The rejection states that "moisture is visible", but this is not disclosed in Rabenecker. Applicant notes that moisture is not always visible in a material. There are many materials that when moistened with a liquid do not provide a visible indication. Therefore Rabenecker does not specifically disclose a moisture indicator. Claim 10 therefore cannot be anticipated by Rabenecker.

Claim 9 has been rejected as being anticipated by Rabenecker. Claim 9 sets forth a reagent container and a sampling tip, where the sampling tip and the reagent container fully enclose a volume when the sampling tip is inserted into the reagent container. Applicant finds no teaching nor suggestion of a reagent container and a sampling tip having this relationship in Rabenecker. The rejection equates element 7 of Rabenecker with the reagent container and element 2 with the sampling tip. Applicant has reviewed these structures, and finds that element 2 is not inserted into element 7. Furthermore, even if element 2 was inserted into element 7, applicant finds no indication that these elements in Rabenecker would fully enclose a volume. Instead, it appears that Rabenecker teaches away from inserting element 2 into element 7. Therefore claim 9 cannot be anticipated by, our obvious in view of, Rabenecker.

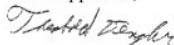
Applicant notes that Rabenecker describes an absorbent material. However Rabenecker does not describe this material as being incompressible, as is set forth in claim 18. The material of claim 18 having both incompressible and capillary properties is very important. Applicant has found that the amount of sample liquid that is collected by capillary action will vary if a material is compressed during the collection. However if the material is not compressed during the collection, a substantially uniform amount will be collected every time.

In Rabenecker, there is no teaching that the materials are incompressible. Furthermore, it appears that many of the types of materials suggested in Rabenecker would actually be compressed during the collection of a sample. Claim 18 cannot be anticipated by Rabenecker, since Rabenecker does not teach a sampling tip material that is both incompressible and collects a sample liquid by capillary action .

Applicant again thanks the Examiner for indicating allowable subject matter. If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact applicant's representative by telephone to discuss possible changes.

At this time applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.

Respectfully submitted  
for Applicant,



By:

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